

## § 301.91-8

to comply with the requirements of this subpart.

[49 FR 18992, May 4, 1984, as amended at 59 FR 67609, Dec. 30, 1994]

### § 301.91-8 Attachment and disposition of certificates and limited permits.

(a) A certificate or limited permit required for the interstate movement of a regulated article, at all times during such movement, shall be securely attached to the outside of the containers containing the regulated article, securely attached to the article itself if not in a container, or securely attached to the consignee's copy of the accompanying waybill or other shipping document; *Provided, however*, That the requirements of this section may be met by attaching the certificate or limited permit to the consignee's copy of the waybill or other shipping documents only if the regulated article is sufficiently described on the certificate, limited permit, or shipping document to identify such article.

(b) The certificate or limited permit for the movement of a regulated article shall be furnished by the carrier to the consignee at the destination of the shipment.

### § 301.91-9 Costs and charges.

The services of the inspector shall be furnished without cost, except as provided in 7 CFR part 354. The U.S. Department of Agriculture will not be responsible for any costs or charges incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

## Subpart—Oriental Fruit Fly

SOURCE: 58 FR 8521, Feb. 16, 1993, unless otherwise noted.

### § 301.93 Restrictions on interstate movement of regulated articles.

No person shall move interstate from any quarantined area any regulated ar-

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ticle except in accordance with this subpart.<sup>1</sup>

[58 FR 8521, Feb. 16, 1993, as amended at 66 FR 21053, Apr. 27, 2001]

### § 301.93-1 Definitions.

*Administrator.* The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

*Animal and Plant Health Inspection Service.* The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS or Service).

*Certificate.* A document in which an inspector or person operating under a compliance agreement affirms that a specified regulated article is free of Oriental fruit fly and may be moved interstate to any destination.

*Compliance agreement.* A written agreement between the Animal and Plant Health Inspection Service and a person engaged in growing, handling, or moving regulated articles, wherein the person agrees to comply with the provisions of this subpart.

*Core area.* The 1 square mile area surrounding each property where Oriental fruit fly has been detected.

*Day degrees.* A mathematical construct combining average temperature over time that is used to calculate the length of an Oriental fruit fly life cycle. Day degrees are the product of the following formula, with all temperatures measured in °F:

$$[(\text{Minimum Daily Temp} + \text{Maximum Daily Temp})/2] - 54^\circ = \text{Day Degrees}$$

*Drip area.* The area under the canopy of a plant.

*Infestation.* The presence of the Oriental fruit fly or the existence of circumstances that make it reasonable to

<sup>1</sup>Any properly identified inspector is authorized to stop and inspect persons and means of conveyance, and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated articles as provided in sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754).

believe that the Oriental fruit fly is present.

*Inspector.* Any employee of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person authorized by the Administrator to enforce this subpart.

*Interstate.* From any State into or through any other State.

*Limited permit.* A document, in which an inspector or person operating under a compliance agreement affirms that a specified regulated article is eligible for interstate movement in accordance with § 301.93-5(b) of this subpart only to a specified destination and only in accordance with specified conditions.

*Moved (Move, Movement).* Shipped, offered for shipment, received for transportation or transported, carried, or allowed to be moved, shipped, transported, or carried by any means.

*Oriental fruit fly.* The insect known as Oriental fruit fly (*Bactrocera dorsalis* (Hendel)) in any stage of development.

*Person.* Any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

*Quarantined area.* Any State, or any portion of a State, listed in § 301.93-3(c) of this subpart.

*Regulated article.* Any article listed in § 301.93-2 of this subpart or otherwise designated as a regulated article in accordance with § 301.93-2(c) of this subpart or otherwise designated as a quarantined area in accordance with § 301.93-3(b) of this subpart.

*State.* The District of Columbia, Puerto Rico, the Northern Mariana Islands, or any State, territory or possession of the United States.

[58 FR 8521, Feb. 16, 1993; 58 FR 29028, May 18, 1993]

#### § 301.93-2 Regulated articles.

The following are regulated articles:

(a) The following fruits, nuts, vegetables, and berries:

Akia (*Wikstroemia phyllaefolia*)  
 Alexander laurel (*Calophyllum inophyllum*)  
 Apple (*Malus sylvestris*)  
 Apricot (*Prunus armeniaca*)  
 Avocado (*Persea americana*)  
 Banana (*Musa paradisiaca* var. *sapientum*)  
 (Musa x *paradisiaca*)  
 Banana, dwarf (*Musa nana*)  
 Barbados cherry (*Malpighia glabra*)

Bell pepper (*Capsicum annum*)  
 Brazil cherry (*Eugenia dombeyi*)  
 Breadfruit (*Artocarpus altilis*)  
 Cactus (*Cereus coarulescens*)  
 Caimitillo (*Chrysophyllum oliviforme*)  
 Cashew (*Anacardium occidentale*)  
 Cherimoya (*Annona Cherimola*)  
 Cherry, Catalina (*Prunus ilicifolia*)  
 Cherry, Portuguese (*P. lusitanica*)  
 Chile (*Capsicum annum*)  
 Coffee, Arabian (*Coffea arabica*)  
 Country gooseberry (*Averrhoa carambola*)  
 Cucumber (*Cucumis sativas*)  
 Custard apple (*Annona reticulata*)  
 Date palm (*Phoenix dactylifera*)  
 Dragon tree (*Dracena draco*)  
 Eggfruit tree (*Pouteria campechiana*)  
 Elengi tree (*Mimusops elengi*)  
 Fig (*Ficus carica*)  
 Gourka (*Garcinia celebica*)  
 Granadilla, sweet (*Passiflora ligularis*)  
 Grape (*Vitis* spp.)  
 Grapefruit (*Citrus paradisi*)  
 Guava (*Psidium guajava*), (*P. littorale*), (*P. cattleianum*)  
 Imbu (*Spondias tuberosa*)  
 Jackfruit (*Artocarpus heterophyllus*)  
 Jerusalem cherry (*Solanum pseudocapsicum*)  
 Kitembilla (*Dovyalis hebecarpa*)  
 Kumquat (*Fortunella japonica*)  
 Laurel (*Calophyllum inophyllum*)  
 Lemon (*Citrus limon*)  
 Lime, key or Mexican (*Citrus aurantifolia*)  
 Lime, Persian (*Citrus latifolia*)  
 Lime, sweet (*Citrus limetoides*)  
 Longan (*Euphoria longan*)  
 Loquat (*Eriobotrya japonica*)  
 Lychee nut (*Lychee chinensis*)  
 Malay apple (*Eugenia malaccensis*)  
 Mammee apple (*Mammea americana*)  
 Mandarin orange (*Citrus reticulata*)  
 (tangerine)  
 Mango (*Mangifera indica*)  
 Mangosteen (*Garcinia mangostana*)  
 Mock orange (*Murraya exotica*)  
 Mulberry (*Morus nigra*)  
 Myrtle, downy rose (*Rhodomyrtus tomentosa*)  
 Natal plum (*Crissa grandiflora*)  
 Nectarine (*Prunus persica* var. *nectarina*)  
 Oleander, yellow (*Thevetia peruviana*)  
 Orange, calamondin (*Citrus reticulata* x. *fortunella*)  
 Orange, Chinese (*Fortunella japonica*)  
 Orange, king (*Citrus reticulata* x. *C. sinensis*)  
 Orange, sweet (*Citrus sinensis*)  
 Orange, Unshu (*Citrus reticulata* var. *Unshu*)  
 Oriental bush red pepper (*Capsicum frutescens abbreviatum*)  
 Otaheite apple (*Spondias dulcis*)  
 Palm, syrup (*Jubaea spectabilis*)  
 Papaya (*Carica papaya*)  
 Passionflower (*Passiflora edulis*)  
 Passionflower, softleaf (*Passiflora mollissima*)  
 Passionfruit (*Passiflora edulis*) (yellow lilkoi)